

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

Diane LaFemina

Case No. 1-14-43362-nhl

Debtor.
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MEDIATION REFERRAL ORDER

UPON the Motion for Relief From Stay (ECF No. 13) filed by Camp Bow Wow Franchising, Inc. and the Cross Motion filed by (ECF No. 26) filed by debtor Diane LaFemina; and the Court having held hearings on these contested matters on November 25, 2014, March 7, 2015, and March 11, 2015;

NOW, THEREFORE, it is hereby

ORDERED, that Diane LaFemina and Camp Bow Wow Franchising, Inc. (collectively, the “Parties”) are referred to mediation pursuant to Rule 9019-1 of the Local Rules for the United States Bankruptcy Court for the Eastern District of New York, and it is further

ORDERED, that the Parties are directed to contact the chambers of the Honorable Elizabeth S. Stong, United States Bankruptcy Judge, United States Bankruptcy Court, 271 Cadman Plaza East, Brooklyn, New York 11201, who shall serve as mediator in this matter, by contacting Sheree Jackson, Judge Stong’s courtroom deputy at (347) 394-1864; and it is further

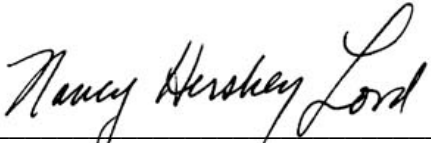
ORDERED, that on or before **May 8, 2015**, the Parties shall submit a stipulation and mediation order (a proposed form of which is annexed hereto) to be so-ordered by this Court, which authorizes the appointment of Judge Stong and sets forth certain terms of the mediation; and it is further

ORDERED, that an individual with final authority to settle these matters and to bind each of the parties shall attend the mediation on behalf of each party; and it is further

ORDERED, the Parties are directed to appear at an adjourned hearing on **July 16, 2015 at 2:30 p.m.**, before the Honorable Nancy Hershey Lord,, United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, New York, Courtroom 2529.

**Dated: April 8, 2015
Brooklyn, New York**





**Nancy Hershey Lord
United States Bankruptcy Judge**

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STIPULATION AND MEDIATION ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties:

1. The parties shall participate in mediation, whereby a neutral and impartial person will assist them in attempting to reach a mutually acceptable negotiated resolution of the dispute between them (the "Mediation").
2. The parties jointly accept Honorable Elizabeth S. Stong, United States Bankruptcy Judge to provide mediation services to them (the "Mediator").
3. The Mediation shall be non-binding.
4. The Mediator shall not have authority to render a decision that shall bind the parties.
5. The parties are not obligated to agree to any proposals which are made during the Mediation.
6. No party shall be bound by anything said or done during the Mediation, unless either a written and signed stipulation is entered into or the parties enter into a written and signed agreement.
7. The Mediator may meet in private conference with less than all of the parties.
8. Information obtained by the Mediator, either in written or oral form, shall be confidential and shall not be revealed by the Mediator unless and until the party who provided that information agrees to its disclosure.
9. The Mediator shall not, without the prior written consent of both parties, disclose to the Court any matters which are disclosed to him or her by either of the parties or any matters which otherwise relate to the Mediation.
10. The Mediation shall be considered a settlement negotiation for the purpose of all federal and state rules protecting disclosures made during such conferences from

later discovery or use in evidence. The entire procedure shall be confidential, and no stenographic or other record shall be made except to memorialize a settlement record. All communications and conduct, oral or written, during the Mediation by any party or a party's agent, employee, or attorney are confidential and, where appropriate, are to be considered work product and privileged. Such conduct, statements, promises, offers, views and opinions shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission in evidence simply as a result of it having been used in connection with this Mediation process.

11. The Mediator and his or her agents shall have the same immunity as judges and court employees have under Federal law and the common law from liability for any act or omission in connection with the Mediation, and from compulsory process to testify or produce documents in connection with the Mediation.
12. The parties (i) shall not call or subpoena the Mediator as a witness or expert in any proceeding relating to the Mediation, the subject matter of the Mediation, or any thoughts or impressions which the Mediator may have about the parties in the Mediation; (ii) shall not subpoena any notes, documents or other material prepared by the Mediator in the course of or in connection with the Mediation; and (iii) shall not offer in evidence any statements, views, or opinions of the Mediator.
13. An individual with final authority to settle the matter and to bind the party shall attend the Mediation on behalf of each party.

Dated: _____

Consented to: _____
Mediator

IT IS SO ORDERED